

EXHIBIT 5



Fredrikson & Byron, P.A.
Attorneys and Advisors

200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
Main: 612.492.7000
fredlaw.com

February 23, 2023

VIA EMAIL AND U.S. MAIL

E. Powell Miller
Sharon S. Almonrode
THE MILLER LAW FIRM, P.C.
950 W. University Drive, Suite 300
Rochester, MI 48307
epm@millerlawpc.com
ssa@millerlawpc.com

Frank S. Hedin
David W. Hall
HEDIN HALL LLP
1395 Brickell Avenue, Suite 900
Miami, FL 33131
fhedin@hedinhall.com
dhall@hedinhall.com

Joseph I. Marchese
Philip L. Fraietta
BURSOR & FISHER, P.A.
888 Seventh Avenue
New York, NY 10019
jmarcchese@bursor.com
pfraietta@bursor.com

Re: Jeffrey Schreiber v. Mayo Foundation for Medical Education and Research
Case No. 2:22-cv-188-HYJ-RSK

Counsel:

Enclosed and served upon you in the above matter, please find Mayo's Initial Disclosures.

Best regards,

s/ Anupama D. Sreekanth

Anupama D. Sreekanth
Direct Dial: 612.492.7445
Email: asreekanth@fredlaw.com

ADS
Enclosure

cc: Gregory E. Karpenko (via email)
Michael G. Latiff (via email)

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

JEFFREY SCHREIBER, individually and on
behalf of all others similarly situated,

Case No. 2:22-cv-00188 (SRN/ECW)
Hon. Hala Y. Jarbou

Plaintiff,

v.

**DEFENDANT’S RULE 26(a)(1)
INITIAL DISCLOSURES**

MAYO FOUNDATION FOR MEDICAL
EDUCATION AND RESEARCH,

Defendant.

TO: Plaintiff and his attorneys, E. Powell Miller and Sharon S. Almonrode, The Miller Law Firm, P.C., 950 W. University Drive, Suite 300, Rochester, MI 48307; Joseph I. Marchese and Philip L. Fraietta, Bursor & Fisher, P.A., 888 Seventh Avenue, New York, NY 10019; and Frank S. Hedin and Arun G. Ravindran, Hedin Hall LLP, 1395 Brickell Avenue, Suite 1140, Miami, FL 33131.

Defendant Mayo Foundation for Medical Education and Research (“Mayo”) makes the following disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1):

I. INITIAL DISCLOSURES

These initial disclosures are based on the information reasonably available to Mayo and the information provided and witnesses identified here are complete and correct as of this time. Mayo reserves the right to supplement or amend these initial disclosures in accordance with the Federal Rules of Civil Procedure. Mayo makes these disclosures without prejudice to any and all defenses it may have in this case. Mayo’s initial disclosures should not be construed as a waiver of any applicable privilege or objection in this case.

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment:

RESPONSE:

Mayo believes that the following individuals are likely to have discoverable information:

Name	Address and Telephone Number	Subjects of Information
Jeffrey Schreiber	Contact through counsel.	Information regarding his subscription to <i>Mayo Clinic Health Letter</i> and allegations in the Complaint.
Gregory Shevlin List Services Manager for Mayo Clinic Press	Contact through counsel.	Information regarding Plaintiff's subscription to <i>Mayo Clinic Health Letter</i> and Mayo's Answer to Plaintiff's Interrogatory No. 4.

In addition to these individuals, there may be other individuals with discoverable information that Mayo may use to support its claims and defenses. For purposes of this litigation, any current or former employee of Mayo is represented by counsel for Mayo. All communication with or inquiries regarding these witnesses should be directed to Mayo's counsel.

Plaintiff's family members and friends, and other persons associated with him or the putative class, may have relevant information regarding the claims asserted in this proceeding. Mayo reserves the right to supplement these initial disclosures with the

identification of additional witnesses at such time as additional witnesses come to its attention through further investigation, discovery, or otherwise.

- B. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment:**

RESPONSE:

At this time, Mayo may use the following categories of documents in the possession of Mayo or its counsel to support its claims or defenses:

- Documents regarding Mr. Schreiber’s subscription to *Mayo Clinic Health Letter*, and information he received from Mayo related to the same; and
- Documents that will be produced in connection with Mayo’s Answer to Plaintiff’s Interrogatory No. 4.

Mayo reserves the right to supplement its initial disclosures with the identification of additional documents at such time as additional documents come to its attention.

- C. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

RESPONSE:

Not applicable.

- D. For inspection and copying under Rule 34 any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

RESPONSE:

Mayo is insured for the claim alleged, with a self-insured retention of \$10 million, and up to \$125 million in additional potential coverage. Mayo has not been informed of a reservation of rights or controversy or coverage dispute. Relevant declarations pages will be produced.

Dated: February 23, 2023

s/ Anupama D. Sreekanth

FREDRIKSON & BYRON, P.A.

Gregory E. Karpenko (#0286473)
(Admitted USDC-MIWD 1/19/2023)
Anupama D. Sreekanth (#0393417)
(Admitted USDC-MIWD 1/19/2023)
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Phone: 612.492.7000
Fax: 612.492.7077
gkarpenko@fredlaw.com
asreekanth@fredlaw.com

MCDONALD HOPKINS

Michael G. Latiff (P51263)
39533 Woodward Avenue, Suite 318
Bloomfield Hills, MI 48304
(248) 220-1351
mlatiff@mcdonaldhopkins.com

Attorneys for Defendant

77881720